



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

FOLEY & LARDNER LLP
975 PAGE MILL ROAD
PALO ALTO CA 94304

COPY MAILED

APR 29 2008

OFFICE OF PETITIONS

In re Patent No. 6,864,258	:	
Wolff et al.	:	
Issue Date: March 8, 2005	:	
Application No. 10/614,460	:	ON PETITION
Filed: July 7, 2003	:	
Attorney Docket No. 98,164-A24	:	

This is a decision on the "Petition Under 37 C.F.R. § 1.182 REQUESTING ENTRY OF CORRECTED TERMINAL DISCLAIMER," filed December 27, 2007, requesting the entry of corrected terminal disclaimers, in lieu of the terminal disclaimers filed on June 25, 2004.

In the present petition, patentees state:

Ownership was recently corrected in the above-noted patent to reflect that the owner of the above-noted patent is ROCHE PALO ALTO LLC, successor in interest to SYNTEX (U.S.A.) INC[.] Inventor, Andrew A. WOLFF, was obligated to have assigned his rights to SYNTEX (U.S.A.) INC. rather than CV THERAPEUTICS, INC. During prosecution of the patent application that matured into the above-noted patent, terminal disclaimers were filed indicating that CV THERAPEUTICS, INC. was the 100% of the entire right, title, and interest[.] The current assignee does not match the assignee on the terminal disclaimers filed during prosecution. As such, Patentees are respectfully requesting that the Director enter the enclosed corrected Terminal Disclaimers which indicate ROCHE PALO ALTO LLC as the 100% owner of the

entire right, title, and interest as shown in the corrected chain of title.

Petition, pp. 1-2.

The petition is **DISMISSED** to the extent that the terminal disclaimers filed June 25, 2004, will not be removed from the record. Any request for reconsideration must be filed within TWO (2) MONTHS. This two-month period is governed by 37 CFR 1.181(f) and is not extendable under 37 CFR 1.136.

Application No. 10/614,460, filed July 7, 2003, issued as U.S. Patent No. 6,864,258 on March 8, 2005.

Patentees do not request that the terminal disclaimers be removed or nullified. There is no error in the patent requiring correction. As such, this petition does not necessitate consideration of whether issuance of a certificate of correction is warranted. Rather, patentees request, in effect, that the terminal disclaimers, filed June 25, 2004, be replaced in the record with the corrected terminal disclaimers filed December 27, 2007.

The terminal disclaimers filed June 25, 2004, were made of record and considered by the examiner in examination and allowance of this application. Removal of the terminal disclaimers filed June 25, 2004, from the application record is inappropriate.

Placement of the terminal disclaimer filed December 27, 2007 (along with the petition and petition decision) in the record is sufficient to complete the record. No further action will be undertaken.

The petition fee will not be refunded.

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions